

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CENGAGE LEARNING, INC.; BEDFORD,
FREEMAN & WORTH PUBLISHING
GROUP, LLC D/B/A MACMILLAN
LEARNING; MACMILLAN HOLDINGS,
LLC; ELSEVIER INC.; ELSEVIER B.V.;
and MCGRAW HILL LLC,

Case No. 1:24-cv-04274-JLR-BCM

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

DECLARATION OF ANDRÉ GOLUEKE

I, André Golueke, declare that:

1. I am a Discovery Strategy & Operational Support Lead on the legal team at Google LLC. I support the Litigation, Discovery and Regulatory Affairs teams with the collection, processing, and production of data and documents for litigation, internal investigations and regulatory matters.

2. I submit this declaration in connection with Google's response to Plaintiffs' omnibus discovery letter (Dkt. 160).

3. I understand that the plaintiffs in this matter have asked the Court to order Google to "apply the parties' agreed-upon search terms" to the Google Issue Tracker system, known internally as [REDACTED] and "produce the full history of all '[REDACTED]' tickets and any communications in connection with these tickets associated with the Plaintiffs' infringement notices and the infringing merchants at issue in this case." Dkt. 160 at 11.

4. I am familiar with the Google Issue Tracker system and Google's processes for collecting information from Google Issue Tracker for production in litigation. The information in this declaration is based on personal knowledge I have acquired from my experience at Google and the searches I conducted and describe below.

5. As described below, running complex search terms across the entire Google Issue Tracker system, or even a handful of components within the Google Issue Tracker system, is exceedingly burdensome and, in some circumstances, technologically infeasible.

How Google Issue Tracker Works

6. The Google Issue Tracker is a tool used across the Google organization for issue tracking and feature requests. *See Google Issue Tracker*, Google, <https://developers.google.com/issue-tracker> (last visited Aug. 13, 2025).

7. The Google Issue Tracker system is made up of "components," each of which corresponds to a project, sub-project, or some other grouping of issues or tasks. Components can be organized in complex and customizable hierarchies, with child components and nested sub-components. *See Components*, Google, <https://developers.google.com/issue-tracker/concepts/components> (last visited Aug. 13, 25).

8. Components, child components, and sub-components are made up of "issues," which are the individual tickets that are used for tracking bugs and feature requests. *See Issues*, Google, <https://developers.google.com/issue-tracker/concepts/issues> (last visited Aug. 13, 2025). Issues (or tickets) are commonly referred to internally as "████████"

9. Google Issue Tracker users can receive notifications via email when issues are created and with any updates to those issues. A Google Issue Tracker user will receive such worklog updates if he or she is a "subscriber" of the issue. Users whose email addresses are

included in the CC field of an issue automatically receive notifications when any change is made or comment is added. A user will remain subscribed to an issue and receive email notifications unless he or she unsubscribes. *See Subscribe to an Issue*, Google, <https://developers.google.com/issue-tracker/guides/subscribe> (last visited Aug. 13, 2025).

10. Because Google Issue Tracker users who subscribe to an issue will receive email updates when changes are made and comments are added, Google Issue Tracker tickets contain information that is duplicative of information contained in a subscriber's email notifications.

Searching and Collecting Google Issue Tracker Tickets Is Extremely Burdensome

11. It is possible to search for specific issues in Google Issue Tracker that fit certain search criteria. *See Issue Searches*, Google, <https://developers.google.com/issue-tracker/concepts/searches> (last visited Aug. 13, 2025). But the Google Issue Tracker search functionality has several limitations that put material constraints on Google's ability to search for and collect issue tickets in bulk for the purposes of litigation. At bottom, performing complex searches at scale within Google Issue Tracker is extremely difficult and often not technically feasible.

12. For example, some Google Issue Tracker components are subject to access controls, which means search results are limited to components for which the searching user has the requisite permissions. *See Search with the Search Builder*, Google, <https://developers.google.com/issue-tracker/guides/search-builder> (last visited Aug. 13, 2025).

13. More fundamentally, I understand that the Google Issue Tracker search functionality does not support wildcard and proximity searches, which are more common in eDiscovery platforms like Relativity. *See Search Query Language*, Google, <https://developers.google.com/issue-tracker/concepts/search-query-language> (last visited Aug.

13, 2025). I understand that the majority of the agreed-upon search terms in this litigation utilize wildcard and proximity operators, so the searches are unlikely to run without modification (e.g., replacing proximity operators with “AND” and/or morphologically expanding each wildcard permutation).

14.

On August 13, 2025, I ran the search term “network error” as a test in the [REDACTED] User Interface at [REDACTED] Upon executing the search, I observed the first 100 search results, with issues sorted in reverse chronological order by creation date, on a single page with an option to browse to the next page of results. Upon browsing to the next page of results, I viewed results 101-200. I was able to browse

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15.

[REDACTED]

I declare under penalty of perjury under the laws under the United States of America that the foregoing statements are true and correct.

Executed on August 13, 2025 in Orinda, California

André Golueke
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